

PATENT  
Atty. Docket No. PRI13 P-316

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

April 4, 2005

Date

Deborah A. Witvoet  
Deborah A. Witvoet

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Ing Hour Lin  
Art Unit : 1725  
Applicants : James A. Yurko et al.  
Appln. No. : 10/761,911  
Filing Date : January 21, 2004  
Confirmation No. : 4426  
For : PROCESS AND APPARATUS FOR PREPARING A METAL ALLOY

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY  
(37 C.F.R. §1.28(c))

1. On January 21, 2004, a small entity assertion was erroneously filed in this application.
2. This assertion of small entity status in this application and the payment of fees as a small entity were made in good faith.
3. It has now been discovered that such status as a small entity was established in error.

Adjustment date: 04/08/2005 SLUANG1  
01/27/2004 HBELETE1 00000004 10761911  
01 FC:2001 -385.00 OP  
02 FC:2201 -86.00 OP  
03 FC:2202 -63.00 OP

04/08/2005 SLUANG1 00000001 10761911

01 FC:1001 790.00 OP  
02 FC:1202 250.00 OP  
~~03 FC:2622 28.00 OP~~

Applicants : James A. Yurko et al.  
Appln. No. : 10/761,911  
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Itemization of the Fee(s) Erroneously Paid as Small Entity

NOTE: 37 C.F.R. § 1.28(c)(2): "Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(i) Calculation of the deficiency owed. The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error.

(ii) Itemization of the deficiency payment. An itemization of the total deficiency payment is required. The itemization must include the following information;

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section."

NOTE; 37 C.F.R. § 1.28(c)(3): "Failure to comply with requirements. If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure with either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office."

4.	<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED</u>
<input checked="" type="checkbox"/>	Filing fee paid on 01/21/04.	<u>\$534.00</u>	<u>\$534.00</u>
<input type="checkbox"/>	Fee for excess claims (over 20) paid on _____.	\$ _____	\$ _____

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- ☐ Fee for multiple claims paid on \$ \_\_\_\_\_ \$ \_\_\_\_\_
- ☐ Extension of time fee paid on \$ \_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_.
- ☐ The issue fee paid on \_\_\_\_\_. \$ \_\_\_\_\_ \$ \_\_\_\_\_
- ☐ \_\_\_\_\_ maintenance fee \$ \_\_\_\_\_ \$ \_\_\_\_\_  
(First, second or third)  
paid on \_\_\_\_\_.
- ☐ Other:

**WARNING:** "The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. . ." 37 C.F.R. § 1.28(c)(2)(i).

**NOTE:** 37 C.F.R. § 1.28(b)(2): "The date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section."

**Total deficiency owed \$534.00**

**NOTE:** 37 C.F.R. § 1.28(d): "Payment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of loss of entitlement to small entity status."

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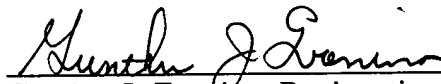
5. The total deficiency owed is paid as follows:

- ☒ Attached is a ☐ check ☐ money order in the amount of \$534.00
- ☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
- ☐ to Deposit Account No. \_\_\_\_\_
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.
- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.  
A duplicate of this paper is attached.

Respectfully submitted,

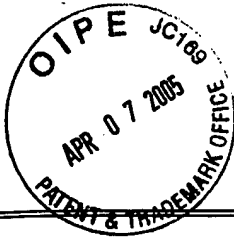
April 4, 2005

Date



Gunther J. Evanina, Registration No. 35502  
Price, Heneveld, Cooper, DeWitt & Litton, LLP  
695 Kenmoor, S.E.  
Post Office Box 2567  
Grand Rapids, Michigan 49501  
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GJE/daw



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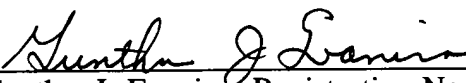
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